

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 09, 2025

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Gary Lee Day, II

Case Number: 0980 2:18CR00158-RLP-1

Address of Offender: [REDACTED], Spokane Valley, Washington 99206

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Rebecca L. Pennell, U.S. District Judge

Date of Original Sentence: August 7, 2019

Original Offense: Crime on Indian Reservation, Assault Resulting in Serious Bodily Injury, 18 U.S.C.
§§ 113 (a)(6) and 1153Original Sentence: Prison - 50 months Type of Supervision: Supervised Release
TSR - 36 monthsRevocation Sentence: Prison - 6 months
(January 19, 2024) TSR - 30 months

Asst. U.S. Attorney: Earl Allan Hicks Date Supervision Commenced: June 12, 2024

Defense Attorney: Federal Defenders Office Date Supervision Expires: December 11, 2026

PETITIONING THE COURT

To issue a summons.

Mr. Day's conditions of supervised release were reviewed with him on June 20, 2024, and he acknowledged an understanding of the terms and conditions of his supervised release.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition #5:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u>It is alleged that Mr. Day is in violation of his conditions of supervised release by consuming methamphetamine and fentanyl on or about June 22, 2025.</p> <p>After initially being deceitful, Mr. Day admitted to the undersigned and via a signed document that he used methamphetamine and fentanyl on or about June 22, 2025.</p>
2	<p><u>Standard Condition # 4:</u> You must be truthful when responding to the questions asked by your probation officer.</p>

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Supporting Evidence: It is alleged that Mr. Day violated the conditions of his supervised release by being dishonest with his probation officer on June 23, 2025.

On June 23, 2025, Mr. Day reported to the U.S. Probation Office after it was reported by Pioneer Humans Services (PHS) staff that he provided a urinalysis that tested presumptive positive for methamphetamine and fentanyl. Mr. Day was adamant to the undersigned that he had not relapsed on any controlled substances. On July 2, 2025, Mr. Day apologized for his dishonesty to the undersigned on June 23, 2025, and admitted to using the aforementioned controlled substances on or about June 22, 2025.

- 3 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Day is in violation of his conditions of supervised release by consuming methamphetamine and fentanyl on or about July 1, 2025.

On July 2, 2025, Mr. Day provided a urinalysis that tested presumptive positive for methamphetamine and fentanyl and thereafter admitted to the undersigned a via signed document that he last used these substances on or about July 1, 2025.

- 4 **Special Condition #6:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: It is alleged that Mr. Day violated the conditions of his supervised release by consuming alcohol on or about July 1, 2025.

On July 2, 2025, Mr. Day provided a urinalysis that tested presumptive positive for alcohol and thereafter admitted to the undersigned a via signed document that he last used these substances on or about July 1, 2025.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 9, 2025

s/Jonathan C. Bot

Jonathan C. Bot
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

July 9, 2025

Date